

JK

2023

.P4R3



LIBRARY OF CONGRESS.

Chap. Copyright No.

Shelf JK2023
H4 R3

UNITED STATES OF AMERICA.

PRICE, 25 CENTS.

THE PENNSYLVANIA VOTER.

A PRACTICAL GUIDE

FOR

VOTERS AND ELECTION OFFICERS IN ALL LEGAL ELECTIONS.

FULL PAGE AND MARGINAL HEADINGS.

25
WITH AN APPENDIX, CONTAINING ACTS REGULATING
PRIMARY ELECTIONS, NOMINATING CONVENTIONS,
&c., AND PUNISHING FRAUD THEREAT,
WITH OTHER RELEVANT MATTER.

By S. M. RAYMOND,
OF THE ALLEGHENY COUNTY BAR.



PITTSBURGH, PA.:
1885.

JK 2023
P4 R3

~~JK 2023
P4 R3~~

INTRODUCTORY MEMENTO.

This pamphlet is, of course, intended to fill a "long-felt want," and addresses itself to the task of preventing unqualified and disqualified persons from usurping the high privileges and undermining the works of patriotic duty which the Constitution and laws of Pennsylvania have granted to and imposed upon the "qualified electors" alone.

But no "practical guide" will make an election board either intelligent, efficient, or honest, and every voter ought to know by this time that the election board is the **WEAK** link in our admirable election system. Voters too often choose men for election officers whom they consider unfit, through ignorance, stupidity, or moral obliquity, for any private employment.

For this service the best men available should be selected, and no other kind.

S. M. R.

PITTSBURGH, *May*, 1885.

WORDS OF COMMENDATION.

Chief Justice MERCUR, of the Supreme Court, writes:

"Accept my thanks for a copy of 'A Practical Guide, &c.' It deals with rights and duties which should be *known by every citizen* of the Commonwealth. I know no work which, in so few pages, gives as much valuable information to electors and election officers as is contained in this unassuming pamphlet."

Judge J. W. F. WHITE, of the court of common pleas, No. 2, of Allegheny county, says:

"I have examined your pamphlet, 'The Pennsylvania Voter, &c.' The idea and plan are excellent—far better than a mere collation of the election laws—and it gives directions for performing duties not contained in the statutes. *It should be in the hands of every voter and election officer.*"

Judge JOHN H. BAILEY, of the court of common pleas, No. 1, of Allegheny county, says:

"I am indebted to your courtesy for a copy of 'The Pennsylvania Voter.' I find it contains in compact form, in clear and concise language, and with due emphasis, *what it is the duty of every voter to know.* I cordially approve of what you say as to 'the weak place in our system.' If you can lead the electors to see to the selection of better election officers, you will have done a good work."

Judge JOHN J. WICKHAM, president of the courts of Beaver county, says:

"I have, as requested, examined your little work entitled 'The Pennsylvania Voter.' It is clear, concise, and practical, and, I am satisfied, will prove very useful to voters and election officers."

Letter from Hon. EDWIN H. STOWE, president judge of the court of common pleas, No. 1, of Allegheny county, as follows:

"PITTSBURGH, *September 1, 1885.*

"S. M. RAYMOND, Esq.:

"DEAR SIR: I have carefully examined your 'Pennsylvania Voter,' and consider it to be a correct compendium of the laws governing elections.

"I think it would greatly conduce to the better carrying out of the election laws, if *every election board* in the State *was provided* with a copy.

"Very respectfully,

"EDWIN H. STOWE."

HON. THOMAS V. COOPER, chairman Republican State Executive Committee, says:

"I have carefully examined your guide to the Pennsylvania voter, and find it *correct, practical*, and with its information more readily accessible than can be found in any other pamphlet or book. It is of great use to all interested in the *conduct of elections* and the *rights of voters*."

HON. C. S. FETTERMAN, chairman Allegheny County Republican Executive Committee, says:

"Your pamphlet is worthy of its name as a practical guide to voters and election officers. No book of the kind is before the public, and to improve upon this one in its special line would not be an easy task. It is clear, concise, and correct in its statement, and each statement is arranged to readily catch the eye of the reader.

"It should be in the *hands of every voter* and of *every citizen* who is interested in the purity of the ballot-box."

From HON. THOMAS M. BAYNE, M. C., Twenty-third district of Pennsylvania, who writes.

"I have examined your publication, 'The Pennsylvania Voter,' and I have no hesitation in saying that it supplies a much-felt want. It presents in a succinct and plain manner the rights conferred and the obligations imposed by the Constitution and laws on the voters of this Commonwealth, and if followed, will *safely guide* the *voter* and *election board* through municipal, State, and National elections."

HON. GEORGE S. HART, president judge of the courts of Washington county, writes:

"I have taken time to examine your 'Pennsylvania Voter' with some care, and the result is, that I think it is a very useful manual which ought to be in the *hands of every intelligent voter* in the Commonwealth, and in particular, of *every election officer*, for whom it is all that it purports to be, 'a practical guide in all legal elections.'

"If all election officers would carefully study this practical little summary of our election laws,

'It would frae mony a blunder free them
And foolish notion.'

I hope, therefore, its circulation will be rapid and extensive."

DUTIES AND RIGHTS

UNDER THE

ELECTION LAWS.

ASSESSMENTS INCIDENT TO ELECTIONS.

Each assessor who is required to perform any duties incident to the holding of elections should commence the revision of the preceding assessment on the first Monday of June, of each year, and by visiting every dwelling-house, and making careful inquiry, shall determine who, of those already assessed, are still inhabitants of his district, and if any such have died or removed therefrom he shall erase their names, and if he finds any male inhabitants twenty-one years old and upwards within his district who are not upon the preceding assessment, he shall add their names thereto and assess them, and ascertain the ground of their claim to vote.

Act January 30, 1874.

Assessment and registration.

Go from house to house.

Strike off.

Add to and assess.

Claim to vote.

When he has completed this work, he shall make out a complete alphabetical list of every male inhabitant of his district, twenty-one years old and upwards, showing the full name, *i. e.*, the Christian or baptismal name, and the family or sur-name, *spelled correctly and written plainly.* Full information as to each person named in the list must follow the name, showing whether a "housekeeper," if so, the street, number, court, alley, or the best designation that can be given of his residence, of what "occupation;" and if not a housekeeper, his occupation, place of boarding, and with whom; and if employed, the name of the em-

Alphabetical list.

Give full names. Write plainly. Spell correctly.

Give full account. Housekeeper. Boarder. Occupation, &c.

ployer. All these are to be designated by the word "voter" after each name.

Mark them voters. Mark the naturalized. Mark the "declared intention."

Mark the intention to become naturalized.

Age.
New resident.

A naturalized citizen is to be marked "N." and exhibit his certificate, unless voting there two years. The letters "D. I." follow the names of those who have not, but will obtain their naturalization certificate before the election. The letters "I. N." follow the names of such as are entitled, without previous declaration, and intend to be naturalized before the election. If the vote is claimed on age mark the name "age;" a new resident is marked "R."

LIST OF NEW ASSESSMENTS.

Another list.
New assessments.
Return the whole.

A complete and separate list of all new assessments made by the assessor will then be made out, and both the lists returned to the county commissioners.

FINAL ASSESSMENTS.

Added to tax duplicate.
List of taxables returned.

Copy on election house.

Claimants added. Properly designated.

Residence, occupation, &c.

Show papers.

The new assessments go on the tax duplicate of the proper district, and the other list is copied in duplicate and returned to the assessor who, before the first Monday of August, posts one copy on the front door of the election house, and retains the other for the inspection of residents; to these lists new names of claimants of the right to vote may be added, marked thereon "C. V.," and an immediate assessment on each claimant made, and the particulars of residence, occupation, &c., noted as mentioned hereinbefore. Naturalization papers and certificates of intentions declared to be shown to the assessor.

THE FINAL ASSESSMENT.

Before sixtieth day.

At election house.

Correct, add, erase. Final assessment.

On the two secular days preceding the sixtieth day prior to the Tuesday next following the first Monday of November, the assessor shall be present at the election house from ten o'clock, A. M., to three o'clock, P. M., and from six to nine, P. M., of each of said days, to hear and act upon applications, to add to, correct, or erase names, and make the final assessments upon persons added thereto.

Upon complaint made, the court will compel the assessor to perform his duties. Assessor and the court.

REGISTRY LIST MADE UP.

After the completion of this final assessment the assessor shall immediately return this corrected, amended, and final list and assessment to the county commissioners, under whose direction the REGISTRY LIST, furnished to the election board, is made out; and no vote will be taken by the election officers unless the name of the voter is found upon the registry list, unless he makes proof of his right by the written or printed affidavits of himself and witnesses as specified hereinafter.

Return to commissioners.

Who make up and send out registry list.

No unregistered man can vote unless proper affidavits are filed.

OVERSEERS OF ELECTIONS.

Upon the petition of five or more citizens of any election district made to the court of common pleas, setting forth that the appointment of overseers of election in their district is a reasonable precaution to secure the purity and fairness of the election, two judicious, sober, and intelligent citizens of the district, of different political faith, and qualified to sit on the election board, will be appointed to supervise the election from the opening of the polls to the sealing up of the ballot-box, without hindrance from the election board, and with power to challenge, interrogate, and examine persons and papers. The overseers are sworn, and will sign all the returns, or assign reasons for not doing so. The election officers and all persons are forbidden to interfere with the overseers, or prevent them from performing their duties under a penalty of fine and imprisonment.

Overseers.

Of different parties.

Their general authority.

Not to be interfered with.

Overseers of election serve without pay.

No pay.

UNITED STATES SUPERVISORS.

Supervisors by the Circuit Court of the United States and deputy marshals by the marshal of the United States may be appointed whenever repre-

See the revised statutes of the United States.

Subject, "Electional Franchise." representatives in Congress are to be elected; the first named to supervise the election, challenge, examine, and inspect parties and papers, and remain with the election board from the opening to the close of their business, and the marshals to keep order, and support the supervisors in their duties.

ELECTION DAYS.

Election days. The general election is held on the Tuesday next following the first Monday of November. City, ward, borough, township, and school elections are held on the third Tuesday of February.

Special elections. Elections for special purposes may be ordered by the General Assembly and by the courts, to be held on other days.

ELECTION DISTRICTS AND HOUSES.

Election district and house. The court of quarter sessions determines the territory and bounds of election districts, and designates the election house or polling place therein.* The proclamations of sheriffs of the general election mention the designated house, and the election, to be valid, must be held there, unless *necessity*, not convenience, but **NECESSITY**, compels the election officers to open the polls at, or after being opened, to change the polls to another house. When the house is thus changed the election officers should provide for ample notice of the change to every qualified voter who approaches the designated house.

* See Appendix, page 23.

The designated house.

No changing, except from necessity.

Ample notice must be given.

ELECTION HOURS.

Hours of election. From seven o'clock in the morning until seven o'clock in the evening the polls must be open and the election officers in constant attendance. No member of the board should absent himself from the room where the ballot-boxes are, for any purpose other than casual, personal comfort. Their meals should be eaten in the room. They should wholly refrain from electioneering or hobnobbing with political

In constant attendance.

No absence of election officers.

Or electioneering, or hobnobbing.

workers. They should avoid giving any cause for even suspicion of being the tools of anybody.

Should be like
Cæsar's wife.

ELECTION OFFICERS.

At the February election in every voting district each qualified elector votes for one qualified elector for judge of election, and one qualified elector for inspector of election, and the two persons having the most votes for inspector of election are chosen respectively as majority and minority inspector; if a judge and two inspectors are thus chosen they constitute the district election board for the term of one year, with the right in each inspector of appointing one qualified elector of the district as clerk of election.

Election of.

One judge, two
inspectors, each
voter voting for
one.

Each inspector
to appoint a
clerk.

In township
elections, act of
13 June, 1840, sec-
tion three, tie
vote for judge.

In township elections if there is a tie in the vote for judge the majority inspector then chosen shall appoint a judge.

VACANCIES ON THE BOARD.

If the minority inspector does not attend on election morning, the person who received the second highest vote for judge at the preceding election will take his place; if the majority inspector does not attend, the judge shall appoint in his stead; if the judge does not attend, the majority inspector shall appoint a judge in his stead; and if any vacancy continues until eight o'clock, the qualified voters present at the voting place shall elect one of their number to fill the vacancy.

Vacancies on
the morning of
the election.
Act of July 2, 1839
par sixteen.

Minority inspec-
tor, majority in-
specter, judge.

Vacancy for one
hour filled by
attending vo-
ters.

The place of a non-attending clerk will be filled by the inspector appointing him, or, in the inspector's absence, by the acting inspector.

Non-attendance
of clerk.

TERMS OF SERVICE.

The terms of judges and inspectors run from their selection or appointment, and that of the clerks from their appointments by the inspectors, respectively, until the separation of the board at the close of the February election: *Provided always*, That they severally attend to their duties.

Terms of elec-
tion officers.

Provided.

CAPABILITY AND HONESTY.

Who should be
chosen election
officers.

The intelligent,
efficient, and
honest.

The best men.

The election laws were intended to be administered by intelligent, efficient, and honest officers, and when so administered the Pennsylvania system will prove itself admirably devised. The election board is specially the weak place in our system, because the voters think anybody, however stupid and ignorant, can manage an election. The best qualified voters of the district who are eligible should be put on the board.

ELIGIBILITY.

Who are eligible
as election offi-
cers.

Constitution,
article eight, sec-
tion fifteen, act
of May 15, 1874.
Neither Nation-
al, State, county,
city, or muni-
cipal boards, &c.

Exceptions.

No election offi-
cer to be a can-
didate. Excep-
tions.

No such law
passed.

School director.
Township office.
Judge or inspec-
tor.

No person who is or who, within two months, has been the holder of an office, appointment, or employment under the United States, the State, any city, county, or municipal board, commission or trust, is eligible, except justices of the peace, alderman, notaries public, and persons in the militia service; and no one can serve as an election officer, and at the same time be eligible to any civil office then to be filled, "save only to such subordinate, municipal, or local offices, below the grade of city or county offices, as shall be designated by general law." The General Assembly have not designated these offices.

A school director is a competent election officer; and a candidate for a township office, or for judge or inspector of elections, is competent to serve at his own election.

ELECTION MORNING.

To be at the vot-
ing place before
seven o'clock.
Ballot-boxes,
&c.

Be sworn.

Open and burn
the old election
papers.

The election officers should assemble at the election room before seven o'clock, and have the ballot-boxes, blanks, stationery, &c., there also.

Their first duty is to take and subscribe the proper oaths; the minority inspector, or, in case of his absence, the nearest justice of the peace, or alderman, administering the oath to the judge, and he to all the others, (overseers included, if any.) They will then open the ballot-boxes and destroy, by burning, their

entire contents, (excepting, however, at the February election, the registry list, which is to be taken out and used,) arrange and mark the ballot-boxes, one box for each kind of ballot to be cast, to wit: "State," "Judiciary," "County," or what not, arrange an opening in the window, or other convenient place, outward, and promptly open the polls at seven o'clock.

Except registry list at February election.

Mark boxes.

Make opening so as to receive votes from outside. Open up at seven.

ON DUTY.

The inspector designated by the judge to keep the registry should be prompt in responding to the call of the inspector who is receiving tickets at the window. When a name is called, he should repeat the name, and add, *registered*, or *not registered*, as the case may be. If the person is registered, unchallenged, and well known as a qualified voter, his ballot is received, the number called out, each ticket for the several boxes numbered alike by the receiving inspector, and his name and number entered on the lists of voters by the clerks, who each keep a list and repeat the name and number to insure accuracy, and the name of every voter, and every ticket received, will be called, repeated, numbered, and deposited throughout the election.

Judge designates one inspector to take the registry.

The other takes the tickets.

Registered or not registered.

Number each ticket. Call name and number.

And repeated by the clerks.

And likewise every vote received.

If the claimant of a right to vote is not registered, or, if registered, is challenged, or if delay arises from not producing all the papers the board desires to inspect, or any other proper cause, the receiving inspector should hand back the ballot; he is not custodian or ticket-holder, and should not hold a ticket longer than is required to learn whether the ballots will go into the box promptly, or be delayed in their passage from the hand of the claimant through his own to the box.

An unregistered or challenged, or delayed voter must take back his ballots.

The receiving inspector to pass tickets from the hand of voter to the proper boxes, not to hold them.

If the claimant is not registered, he must come before the board, and bring at least one qualified elector as a witness, and there make full proof, by written or printed affidavits, subscribed and sworn to,

The unregistered claimant must make proof of his right.

By himself and witness' affidavits.

Does he understand what he signs and swears to?
See that he does.

Bodily presence not residence.

Officers to understand their business.

The challenged man must make same full proofs

Tax-receipts called for; make regular proof.

Produce certificate of naturalization, unless voters five years at same place. Proofs required same for sons voting on parents' citizenship.

Words for proof added to regular blanks.

and the jurat attested by an election officer, (usually the judge,) setting forth his legal qualifications as a voter. No election board should be satisfied by simply reading over the formal oath to the claimant, or his witnesses, but should examine and interrogate them, to see if they understand the meaning of the words used in the same sense as the law interprets them. Most unlearned men understand *residence* as bodily presence only. Let the officers keep the qualifications of voters, as hereinafter discussed, fully before their minds when examining claimants and witnesses.

If the claimant, though registered, is challenged, he must make the same thorough proofs as the unregistered persons.

If tax-receipts are called for, and are not produced by the claimant, he must make the same proofs that are required of the unregistered.

Naturalized voters must produce their papers, unless voters in that district continuously for five years; if paper not produced the other fact must be proved, and this applies as well to sons voting on the naturalization paper of parents.

The best way to prove the fact is: take the regular blanks, and add for claimant and witness, "and that said * * * has voted in this election district consecutively for five years immediately preceding this election."

A PERSONAL VOTE.

Every voter must personally hand his tickets in from the outside.

Every voter must hand his ticket to the inspector at the window, from the outside, and the inspector must not receive any tendered in any other manner or place.

BAD SPELLING ON THE REGISTRY.

Misspelled name and registry.

If the registry inspector finds the name called differs from that on the registry, by reason of pronunciation or spelling, or wrong initials, it becomes

a question of identity. The board should be satisfied that the claimant is the person intended by the registry, and should call on the assessor for information.

Be sure of identity.
Call on the assessor.

CHECK EACH VOTER.

When the registered voter votes, his name on the registry is checked with a "v," and when an unregistered person votes, his name is added in the proper place and marked "tax," if he is twenty-two years, and upwards, of age; and marked "age," if he claims to vote on age. The clerks will add the same words, ("tax" and "age") after the same names on the list of voters kept by them.

Check with a v.

Add to registry, and mark "tax" or "age."

The clerks likewise.

SAVE TIME.

The clerks should write or fill out the necessary affidavits and proofs while the judge and inspectors are examining the claimant and his papers, witnesses, &c.

Clerks make out the proofs.

WHO SHALL DECIDE, AND HOW.

The right to decide questions belongs to the inspectors, but if they disagree the judge decides and ends controversy. All questions should be duly considered, and decided according to the law, and not by personal feeling or partisanship. The oath taken by election officers ought not to be violated. Willful perjury is a serious crime against a man's own moral nature, even though never reached by the law's penalties. Let no one vote who is not entitled to do so by law and reject no vote that is so entitled.

Agreeing, the inspectors decide questions; if not, the judge.

No feeling or partisanship.

Commit no perjury.

Accept none.

Reject none.

PROOFS. PROOFS. PROOFS.

Election officers MUST take the proofs required by law where the claimant is not registered, or is challenged, or cannot produce all the papers that the board have a right to see, whether challenged, registered, or what not. No matter what they think

Read and practice the remarks on proofs.

about the matter, the act of Assembly declares that the proofs *must* be taken, preserved, and returned with the rest of the papers. Their oaths require it. The courts hold it absolutely essential, and a fine of five hundred dollars and one year's imprisonment, threatened in default, emphasize that they must obey the law.

Must be taken,
preserved,
returned.

Fine of five
hundred dollars
imprisonment.

Obey the law.

REQUIRE WHAT THE LAW REQUIRES.

Read the sections.

Use the blanks.

The tenth, eleventh, and twelfth sections of the act approved January 30, 1874, prescribe this duty, a copy of which act, and the printed proofs for filling out and swearing to, are furnished at each election.

THE REQUIRED WITNESS.

The witness
must have voted
at that election
in that district
or have a right
so to do.

Whenever the election laws require a witness to be a "qualified voter" or elector in making proof of residence, &c., it means one who has voted or has a right to vote on that day, at that election, in that district. Any number of others may be sworn and examined, but "at least one qualified voter" means one who has already voted or has a right to vote there.

QUALIFICATIONS OF THE BOARD.

Only "qualified
electors" on the
board.

All members of the board, including the clerks, must be "qualified electors" of the district where they act.

PROPERLY FOLDED TICKETS.

Refuse tickets
tied together or
improperly
folded.

The receiving inspector should receive no tickets tied together, or folded into each other, or tickets so folded that the kind of a ticket, to wit: "State," "County," "Judiciary," or whatever it may be, is not the only visible printing or writing.

ONE VOTER—ONE BALLOT.

Too many
tickets.
Return them.
Error discovered.

Where more tickets are handed in than are to be voted, they are all immediately to be returned, and if the error is not discovered by the inspector until

he has distributed some of them to the boxes, the balance should be handed back, and if refused, thrown out of the window. No further tickets can be taken from such person at that election to make up the deficiency.

One vote for
one man.

QUALIFICATIONS OF ELECTORS.

“Every male citizen twenty-one years of age” has the right to vote at all elections, if—

Constitution of
1874.
Twenty-one
years of age.
Citizen of the
United States.

First. He is a citizen of the United States for one month.

Second. He has resided in the State one year, or having been a former qualified elector, or native-born citizen, has removed therefrom and returned, then six months, immediately preceding the election.

Resident of
State.

See article eight,
section thirteen,
of the Constitu-
tion.

Third. He is a resident of the election district two months immediately preceding the election.

Resident of dis-
trict.

Fourth. He has, if twenty-two years old and upwards, paid a State or county tax within two years, which was assessed at least two months, and paid at least one month before the election.

Paid taxes.

Unless under
twenty-two.

WHEN TWENTY-ONE YEARS OLD.

A minor becomes of age on the day prior to the twenty-first anniversary of his birth.

When of age.

If born on March 1, and the twenty-first anniversary falls in a common year, he is of age the first moment of February 28, and it would be the same if born on February 29.

Example.

CITIZENS OF THE UNITED STATES.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside;” and children born abroad, whose parents are citizens, are citizens, but this privilege descends no further to non-residents.

Who are citizens
of United States.

Foreign-born by
naturalization.

NATURALIZATION PAPERS.

Certificates of naturalization.	The courts issue naturalization certificates under their seals—these must be produced to the board, and
Must be genuine and the identical person.	if genuine, are conclusive. The <i>identity</i> of the person named in it and the one presenting it must NOT BE
Minors made citizens.	UNCERTAIN. Such certificates granted to the father, or, if he be dead, to the mother, in the minority of the foreign-born children, make them citizens.
Must show certificates. Indorse it "voted," &c.	The certificate must be produced and indorsed by the judge showing that father or son voted thereon, and which of them, and when and where, unless satisfactory proof is made that the person has voted at
Five years voting.	the same polls continuously for five years.

RESIDENCE.

Residence in State and district.	The residence required in State and district differ only in length of time—in every other particular they
Residence a fact and an intent.	are identical. Residence, in both cases, means the having a domicile, abode, dwelling, home, either with others or alone, where a man actually and personally
Actual abiding does not make residence.	abides, <i>with the intention</i> , so far as he sees, knows, or intends, of spending his life and casting his lot and permanent habitation with those he finds living there.
Special purpose not residence.	Actual abiding in State or district for a long period of time for a <i>special</i> purpose, a limited engagement, a temporary business, a certain period or fixed term, with the intention of departing when the purpose, engagement, business, or period has been accomplished, completed, or ended, establishes no voting residence.
Stranger to gain	That a stranger may gain a voting residence he must actually abide for the required periods, and must have intended, when he took up his actual abode, to continue to actually abide for an indefinite period of time.
Presumption of law as to special sojourner.	The law presumes that he who comes into a strange place for a <i>special</i> purpose will depart when the pur-

pose which called him there no longer requires his remaining.

Those persons who have only temporary ends Not to vote. of their own to accomplish in a community have no business to attempt to control, by their votes, the elections of the community.

“BIRDS OF PASSAGE” ARE NOT VOTERS.

The floating, roving, unfixed, and non-resident No, and prevent them. population are not entitled to vote.

SOME NON-RESIDENTS.

A student coming to a college town for an education only; a teacher coming into a district to teach public school; a tenant who moves into a district for one year or other definite period; a laborer who comes into district to do farm work for the season, to work on a tunnel, a railroad, a building, to make fences, or any other limited and determinable purpose; a contractor who comes into the district to carry out his contract; a city resident going to the country for the summer, or other definite period, unless it be made to appear that such person had a fixed intention of acquiring a permanent residence in the district; and every man whose habitation is not so fixed in the district that he intends to return there whenever absent in the general pursuits of life.

Example of those non-resident.
Student.
Tenant.
Laborer.
Contractor.
Capitalist.
And every other man who is a temporary sojourner.

VOTING ON AGE.

A young man can only vote on “age” in the district of his parental domicile unless being a native-born citizen of the State, or made a citizen in his minority by his parent’s naturalization, he has resided in the district where he offers to vote two months after coming of age. A minor’s residence is the parent’s place of residence, and when away from that he

Voting on age only in his parent’s district.
Or gain residence for himself.
Parental residence is his.

Minor's residence when parents are non-resident in State must gain one of his own after coming of age. If they are non-residents of the State, he can never vote on age unless he was native-born, and must then reside in the State six months after becoming twenty-one.

LOST RESIDENCE.

Lost residence when lost by removal. When a residence is once gained it can only be lost by actual removal with the intention of such removal becoming permanent.

Prospecting for a new home. To seek or prospect elsewhere for better chances or opportunities with the intention of permanent removal, if such be found, will not affect residence here unless the chance or opportunity is taken hold of, employed, or engaged in; when this is done the residence here is lost.

Obtaining it.

Residence lost.

TAXES.

Payment of taxes. As a qualification in voting the tax that is paid is a State or county tax of this State, and must have been paid to the proper collector or treasurer within two years, and prior to one month from day of election, but to avail anything it must have been assessed two months before the election day.

Assessment.

TAX RECEIPT AND LOST RECEIPT.

To be produced. The receipt for taxes ought to be produced, or a very satisfactory reason given for its non-production.

Conclusive if genuine, and signed by proper officer. If genuine, and signed by the proper collector or treasurer, it is conclusive evidence: but if not produced for examination the claimant must prove by himself or other evidence that he paid the tax within the proper period to the proper officer, and that the receipt has been lost or destroyed, or that he never received any.

Lost, destroyed, or never received.

The claimant who swears to losing, destroying, or never receiving a receipt for taxes is at once open to suspicion, and must make matters very clear.

Open to suspicion.

Must make it clear.

When taxes are paid by another person for claimant and afterwards repaid, or charged to claimant by his employer, or in a business account, the payment is proper, but if paid by candidates, or their political workers, for the purpose of controlling the vote of claimant, the board should promptly and unceremoniously decline to indorse the purchase by rejecting the vote.

When paid by another.

When paid to control vote.

Promptly reject

INSIST ON FULL PROOF.

Election officers have the right to require that satisfactory proof of the right to vote be furnished them by those claiming its exercise. If the claimant has a right to vote he can and ought to readily show it; if he does not make it clear reject his vote. The election board is only to administer *rights* and not to *grant favors*.

If proofs uncertain, reject the vote.

The board deal with rights, not with favors.

The board must not forget that political friends and foes are to be weighed in exactly the same balance by them.

No rule that is not for all.

QUALIFIED, BUT STILL DISQUALIFIED.

He who purchases a vote, to be cast or withheld as he directs, or who gains that end through the mediation of another, by cash, reward, anything of value, or promise thereof, as well as the voter who sells the control of his vote for such consideration, is disqualified from voting at the election, unless when challenged therefor the charge is denied under oath.

Constitutional impediment to purchasing or selling votes, article eight, section eight.

But if the challenger offers testimony in support of the truth of the charge, the board must decide according to the weight of the evidence.

Is the charge true?

Weight of evidence.

A voter convicted of violating any election law is disqualified for four years.

A convicted violator of the election laws.

BETTING ON ELECTIONS.

The experience of bettors on elections may not be a happy one.

While betting on any matter should be discouraged, it may as well be made known that betting on elections does not disqualify a voter; but while the act of Assembly is unconstitutional in so far as it disqualifies for election betting, yet the contract is void, and a misdemeanor where the fine will be thrice the bet, and the poor authorities can sue and recover from the bettors or stakeholders.

COUNTING THE VOTES.

Counting the votes.

Call office and name.

Each clerk to keep count.

Check and tally.

Counts must tally.

Put statement on front door.

One ballot only or vote lost.

Vote for enough

Not too many.

Bad spelling or writing on a ballot.

The board to count votes as they find them.

After the polls are closed, the inspectors, in the presence of the judge, clerks, and overseers, (if any,) will open a ballot-box, and, taking and examining ballot by ballot, will call aloud the office or offices and the names of candidates as they there appear, while each clerk, with a tally sheet before him, will write the name of each office to be filled and the name of each candidate for the office thereunder, and will check the votes for each candidate in blocks of five lines, and they will continue until all the boxes have been opened and the ballots counted. The counts on the tally lists must agree, or the ballots recalled over and recounted.

When the tally list is finished, a statement of the votes cast should at once be posted on the front door of the election-house and announced to the bystanders.

More than one ballot from the same voter in one box excludes the count of his vote.

More names of candidates for any office than are to be voted for appearing on the ballot, exclude the count of the vote to any of the persons named for that office.

Bad spelling or writing on a ballot ought not to condemn it, if the words can, by reasonable endeavor, be made out.

The board are not to supply deficiencies in ballots, or correct mistakes of voters. A ballot for "Jones"

is not to be counted for John Jones, nor is "S. P. Jones" to get credit for a vote cast for S. H. or H. P. Jones.

Voters' mistakes.

EXAMINE ENVELOPES AND BLANKS.

The blanks and envelopes sent out by commissioners for election returns are sufficient guides to election officers, if they will examine them with a view to understanding them.

Blanks and envelopes.

Read their directions.

PAY OF THE BOARD AND RENT.

If the election board, by reasonable diligence and application, can complete their work and disperse at or before midnight they are bound to do so. They were chosen to their positions as honest men, and should not wind up their labors by purposely robbing the county of the compensation for an additional day.

Midnight ends the first day.

Has the board been diligent?

If the additional time is necessary, however, they are entitled to draw pay therefor at the fixed rates per day. The judge will draw the pay for the board (and the rental of the house) upon the inspectors and clerks giving him written authority so to do.

If necessary make two days, but not purposely.

Judge draws the pay.

CERTIFICATES OF ELECTION AND TIE VOTES.

At the February election the board of a township and borough, if there is but one election district, make out the certificates of election. If there is more than one district, the return judges meet together and issue their certificates to those elected. These certificates are served by the constable.

Election boards in townships and boroughs issue certificates.

In elections for school-directors, certificates of election should be made to the school-board as well as to the person elected, and tie votes for directors are determined by the board of directors.

School directors.

Tie vote.

In boroughs, the inspectors, in the presence of the judge and clerks, cast lots to determine the choice in case of a tie vote for burgess or town council.

Tie votes in borough.

Tie votes in townships.

In case of a tie vote in township officers, the court of quarter sessions will appoint until the next election, except as to assessor and assistant assessors, who are appointed by the county commissioners.

WHERE RETURNS GO.

Where the returns are filed.

At the November election the various election precincts of each county send their returns to the prothonotary's office; and at the February election the returns for city elections are sent to that office, but those for boroughs and townships are sent to the clerk of the court of quarter sessions.

With prothonotary.

With clerk of the court.

The judges of common pleas, the returning board, except.

The judges of the court of common pleas count the votes and issue certificates for all elections except the borough and township elections in February.

THE PAPERS COMPLETED.

The returns.

The papers, when all completed, are disposed of as follows :

To the judge.

(a) To the judge, to be conveyed to the prothonotary's office or that of clerk of quarter sessions, as the case may be.

1. The return sheet, (in unsealed envelope.)
2. A large envelope, (sealed and addressed.)

Containing :

One of the triplicate returns, in a sealed envelope.

One of the tally lists.

One list of voters.

The oaths of the election officers.

The oaths of those making proof of the right to vote, and of their witnesses.

To minority inspector.

(b) To the minority inspector.

One of the triplicate returns, in sealed envelope.

To the ballot-box.

(c) The ballot-box is to contain :

The ballots.

The registry list.

One tally sheet.

One list of voters.

One of the triplicate returns, in sealed envelope.

SEALING UP AND DEPOSITING BALLOT-BOX.

When the proper election papers, as above stated, have been deposited in the ballot-box, the signatures of the election officers on a strip of paper should be placed across the box, the slides or tops of the boxes tied securely with red tape, and sealing-wax freely applied; after which the judge and minority inspector will return the box to the place or person designated as its depository, or, if no place has been appointed by the authorities, then with the nearest justice or alderman.

FINAL REMARKS TO VOTERS AND OFFICERS.

Everything done in and about an election, the making up of returns, and disposition thereof, in violation of the election law, and every trick, deceit, or piece of chicanery, attempted or carried out, practiced upon voters, the election board, or on the returns, is a misdemeanor and punishable by fine and imprisonment, either by our statutes or at common law.

Ballot box sealed and deposited.

No tricks, no frauds, anywhere about an election, or to prison go.

APPENDIX.

CONTESTED ELECTIONS—CLASSES.

A partial summary of the act of 19th May, 1874, P. L., 208.
Classification.

First Class.—The Governor and Lieutenant Governor.

Second Class.—All other State officers, including Presidential electors.

Third Class.—All law judges other than Supreme Court judges.

Fourth Class.—All county, city, borough, township, ward, school-district, &c., (excepting members of General Assembly.)

Trial.

Trial, first class. The first class, by committee of the General Assembly.

Second class. The second class, by the court of common pleas of Dauphin county.

Third class. The third class, and also legislators, by the court of common pleas of the proper county.

Fourth class. The fourth class by the quarter sessions court of the proper county.

PETITION TO CONTEST.

Commencement of proceedings within thirty days. The petition for contesting an election must be filed within thirty days after such election.

NUMBER OF PETITIONERS.

Numbers of petitioners, second class. A petition in the second class must be signed by at least one hundred qualified electors who voted at the election contested.

Third class. One in the third class, by fifty such electors.

Fourth class. One in the fourth class, by at least twenty-five of such electors.

CONSULT COUNSEL.

As the foregoing is but a partial skeleton of the law on contested elections, the candidate proposing to inaugurate a contest should, within the periods above specified, consult with a competent attorney.

Only a skeleton.
Consult counsel.

CHANGE OF ELECTION HOUSE BY THE COURT OF COMMON PLEAS.

Any judge of the court, on petition of five responsible citizens setting forth that "owing to fire or impossibility to obtain the room, or any other unavoidable cause," the election cannot be held at the place designated in the sheriff's proclamation, may designate some other convenient place and notify the constable, who shall in turn notify the election board and citizens as at a spring election, and be entitled to like fees therefor, but the court will not make this change within three days of the election, unless the house has been destroyed by fire; this act not applying to Philadelphia.

Summary of the
act 13 June, 1883,
P. L., 124.

See page 6.

SUPPLYING FALSE TICKETS TO VOTERS.

Both at general and primary elections it is a misdemeanor, punishable by fine and imprisonment, to supply a voter with tickets and falsely represent that they contain names which are not thereon.

Summary of act
13 June, 1883, P.
L., 92.

Primary and all
elections.

BRIBERY AND FRAUD AT NOMINATING ELECTIONS, CONVENTIONS, &c.**AN ACT**

To prevent bribery and fraud at nominating elections, nominating conventions, returning boards, county or executive committees, and at election of delegates to nominating conventions, in the several counties in this Commonwealth.

Full text of act
8 June, 1881, P.
L., 70.

SECTION 1. *Be it enacted, &c.,* That hereafter, if a candidate for any office within this Commonwealth shall, directly or indirectly, give, offer, or promise to give, or procure any other person to give, offer, or promise to give, to any elector any gift or reward in

Bribery at nominating conventions or primary elections.

money, goods, or other valuable thing, or any security for the payment on the delivery of money, goods, or other valuable thing, or any office, emolument, or employment, on condition, express or implied, that such elector shall cast, give, retain, or withhold his vote, or use his influence at a nominating election or delegate election, or cast, give, or substitute another to cast or give, his vote or use his influence at a nominating convention, for or against the nomination of any particular candidate for nomination, so as to procure such person to be voted for, at any election to take place, the person so hiring, procuring, influencing, abetting, endeavoring, or offering, either directly or indirectly, through others, their aiders or abettors, to procure the person to be voted for by such electors, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding three hundred dollars and be imprisoned for a period not exceeding three months.

Punishment.

Acceptance of
bribe.

SECTION 2. If any elector, authorized to vote at any public election afterwards to take place within this Commonwealth for any office, shall, directly or indirectly, accept or receive from any person desiring to be nominated as a candidate for office, or from the friends of any such person, any gift or reward in money, goods, or other valuable thing, or any office or employment, under an agreement or promise, express or implied, that such elector shall give or withhold his vote for the nomination of such a person as a candidate for office at such election, or shall accept or receive the promise of any person, that he shall thereafter receive any gift or reward in money, goods, position, or other valuable thing, if he will vote for the nomination of such a person as a candidate for office, and shall thereafter vote for the nomination of such person, he shall be guilty of a misdemeanor, and, on conviction, shall pay a fine not exceeding three hundred dollars and be imprisoned for a term of time not exceeding three months.

Punishment.

SECTION 3. If any elector shall, directly or indirectly, offer to give his vote or his influence, at any nominating election, delegate election, or nominating convention, to any person desiring to be nominated as a candidate for office, or to the friends of any such person desiring to be nominated as a candidate for office, or to the friends of any such person, in consideration that for such vote or influence he is to receive any gift or reward in money, goods, or other valuable thing, or any office or employment, he shall be guilty of a misdemeanor, and, on conviction, shall pay a fine not exceeding three hundred dollars and undergo a period of imprisonment not exceeding three months. Offer to sell vote.
Punishment.

SECTION 4. If any person, not qualified to vote at a general election, shall vote at a nominating election held by any political party, or if any person shall procure, advise, or induce such disqualified person to so vote, or if any person shall vote at more than one election district, or otherwise vote more than once on the same day for the nomination of a candidate, or shall fraudulently vote more than one ticket for the same candidate at the same time, or if any person shall advise or procure another so to do, he or they shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding the sum of two hundred dollars and imprisoned for a term of time not exceeding three months. Repeating.
Punishment.

SECTION 5. In all cases where a person is elected or chosen, or shall act, as a delegate to a convention to make nominations for offices, and shall receive, accept, or solicit any bribe in money, goods, or thing of value, or any office or position as an inducement to make or join in any nomination for any person to be voted for as an officer, or candidate for office, or shall, in like manner or for like reason, agree to abstain from voting for any particular person, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not more than one Bribery of delegates to conventions.

Punishment. hundred dollars and be imprisoned not exceeding three months.

Bribery of executive committee or return board. SECTION 6. Any person elected, chosen, or acting as a member of the county or executive committee of any party, or as a judge of a return board to count up and cast the votes polled at a primary election, held to make nominations for office, or any person appointed a clerk of such return board, who shall, directly or indirectly, accept, receive, or solicit money, office, appointment, employment, testimonial, reward, or other thing of value, or the promise of all or either of them, to influence his vote or action in the discharge, performance, or non-performance of any act, duty, or obligation pertaining to such office, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars and to be imprisoned for a time not exceeding three months.

Offers of bribes. Any person or persons who shall, directly or indirectly, by offer or promise of money, office, appointment, employment, testimonial, reward, or other thing of value, or who shall, by threats or intimidation, endeavor to influence a member of a county or executive committee of any party, a judge or clerk of any return board, in the discharge, performance, or non-performance of any act, duty, or obligation pertaining to such office, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of two hundred dollars and to undergo imprisonment not exceeding six months.

Punishment. APPROVED—June 8, 1881.

REGULATIONS OF PRIMARY ELECTIONS AND PREVENTION OF FRAUDS THEREAT.

AN ACT

Full text of act
29 June, 1881, P.
L., 128.

To regulate the holding and to prevent frauds in the primary elections of the several political parties in the Commonwealth of Pennsylvania.

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act it shall be lawful, and it is

hereby made the duties of the judges, inspectors, and clerks or other officers of the primary elections, meetings, or caucus held for the purpose of nominating candidates for State, city, and county offices within the Commonwealth of Pennsylvania, before entering upon the discharge of their duties, severally take and subscribe to an oath or affirmation in the presence of each other, in form as follows, namely: "I (A. B.) do ——— that I will, as judge, inspector, or clerk (as the case may be) at the ensuing election, impartially and faithfully perform my duties in accordance with the laws and Constitution of the Commonwealth of Pennsylvania, and in accordance with the rules and regulations adopted by the ——— party of ———, county of ———, for the government of the said primary elections, meeting, or caucus to the best of my judgment and abilities." The oath or affirmation shall be first administered to the judge by one of the inspectors, then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to any elector offering to vote as to his qualifications to vote at such election.

Officers must be sworn at all meetings for nominating purposes before acting, and subscribe the several oaths.

Form of oaths.

Who shall administer the oaths.

Judge may administer oaths to other persons.

SECTION 2. If any judge, inspector, clerk, or other officer of a primary election as aforesaid, shall presume to act in such capacity before the taking and subscribing to the oath or affirmation required by this act, he shall, on conviction, be fined not exceeding two hundred dollars, and if any judge, inspector, clerk, or other officer shall willfully disregard or violate the provisions of any rule, duly made by the said ——— party of ——— county for the government of the primary elections of the party, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge or inspector of a primary election shall knowingly reject the vote of any person entitled to vote under the rules of the said ——— party, or shall knowingly receive the vote of any person or persons not qualified as aforesaid,

Penalty for acting as judge, inspector, clerk, or other officer without being sworn to and subscribing the oath.

Must obey the rules of the party.

Penalty.

Receive and reject according to the rules of the party.

No cheating,
defacing ballots,
destroying bal-
lots, stuffing
boxes, false
counting, false
returns, or any
other fraudulent
device or
scheme.

Penalty.

shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk, or other officer of a primary election, as aforesaid, shall be guilty of any willful fraud in the discharge of his duties, by destroying or defacing ballots, adding ballots to the poll other than those lawfully voted, by stuffing the ballot-box, by false counting, by making false returns, or by any act or thing whatsoever, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, or both, or either, at the discretion of the court.

All acts, or parts of acts, of Assembly inconsistent with this act are hereby repealed, except in counties or cities where special acts are in force for the same purpose: *Provided*, That the provisions of this act shall entail no expense to the counties or cities.

APPROVED—The 29th day of June, A. D. 1881.

HENRY M. HOYT.

PRICE, 25 CENTS.

THE PENNSYLVANIA VOTER.

A PRACTICAL GUIDE

FOR

VOTERS AND ELECTION OFFICERS IN ALL LEGAL ELECTIONS.

FULL PAGE AND MARGINAL HEADINGS.

WITH AN APPENDIX, CONTAINING ACTS REGULATING
PRIMARY ELECTIONS, NOMINATING CONVENTIONS,
&C., AND PUNISHING FRAUD THEREAT,
WITH OTHER RELEVANT MATTER.

By S. M. RAYMOND,
OF THE ALLEGHENY COUNTY BAR.

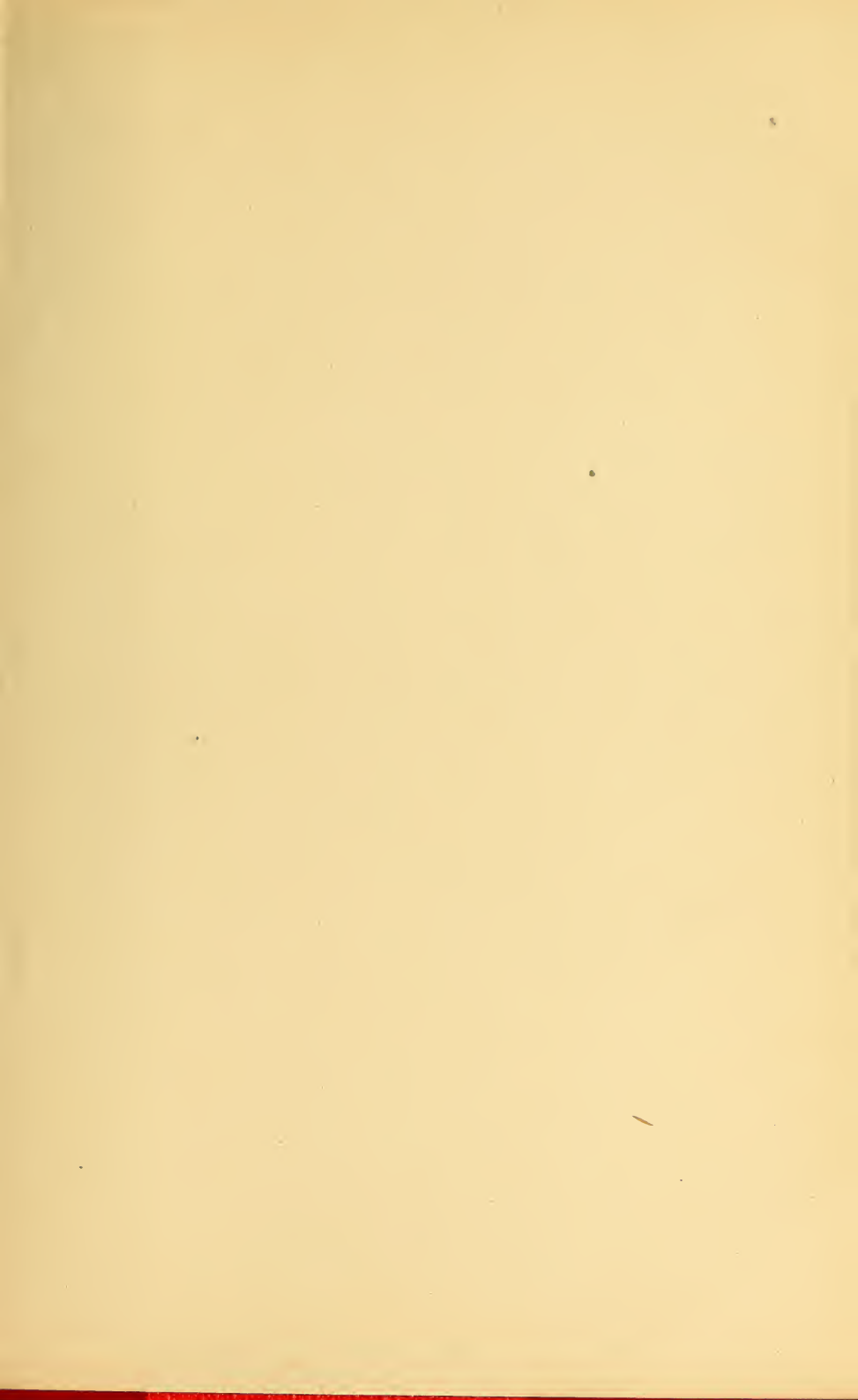
PITTSBURGH, PA.:
1885.

11488

OCT 1 1888

M. B.





LIBRARY OF CONGRESS



0 027 272 796 A